United Nations A/72/757–S/2018/150

General Assembly
Security Council

Distr.: General
23 February 2018

Original: English

General Assembly
Seventy-second session
Agenda item 34
Prevention of armed conflict

Security Council
Seventy-third year

Letter dated 20 February 2018 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

Upon the instructions of my Government and in relation to the letter dated 30 January 2018 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General (A/72/725-S/2018/77), I am writing to express our regret and disappointment about the content and the tone of the above-referenced letter. It would not be our purpose to engage in polemics about the historical background of the Nagorno-Karabakh conflict, let alone about the history of Armenia and its people, as ample historical records and scholarly research worldwide are widely available and accessible in that regard. History is not written in government offices; propaganda is. As a matter of fact, the preference for propaganda is to relinquish intellectual or factual content. The above-referenced letter is, regrettably, a case in point, as are the latest territorial claims to Yerevan, the capital and other regions of Armenia, uttered by the President of Azerbaijan in his address to the ruling "Yeni Azerbaijan" party on 8 February 2018. The above-referenced letter, therefore, does not merit a substantive response.

However, it is the hate-induced and antagonistic tone of the letter that creates a renewed source of doubt about the genuine intention of the Government of Azerbaijan to seek a negotiated, peaceful compromise based on resolution of the Nagorno-Karabakh conflict.

The letter represents a glaring manifestation of the concerns at the "repeated and unpunished use of inflammatory language by politicians speaking about the Nagorno-Karabakh conflict and at its adverse impact on the public's view of ethnic Armenians", expressed in the concluding observations of the Committee on the Elimination of Racial Discrimination on the combined seventh to ninth periodic reports of Azerbaijan (see CERD/C/AZE/CO/7-9).

It is exactly such language that entices the likes of the notorious Ramil Safarov to commit murders and barbaric acts of mutilation and decapitation against Armenians, as was again the case during the military aggression of Azerbaijan against Artsakh (Nagorno-Karabakh) in April 2016, which was subsequently glorified by their government.

Please recycle

Since the purpose of the above-referenced letter was to extensively comment on the speech of the President of Armenia at the Parliamentary Assembly of the Council of Europe on 24 January 2018, I attach to the present letter, for ease of reference, the full text of the speech (see annex).

Noteworthy is the following quote from the speech of the President of Armenia: "The time is ripe for the resolution of this conflict. It requires strict respect for the established ceasefire regime and honouring all the agreements reached in the past. Settlement must be peaceful and overcome the deficit of justice. No matter where I find myself, I will always be at the forefront for this matter as well. The parties shall assume joint responsibility for the peaceful resolution of the Nagorno-Karabakh conflict and find a compromise solution, a middle ground settlement".

The international community, including the United Nations, has unequivocally rendered its support to the Co-Chairmanship by France, Russia and the United States of the Minsk Group of the Organization for Security and Cooperation in Europe as the sole internationally agreed negotiating format for the peaceful resolution of the Nagorno-Karabakh conflict. The compromise solution, proposed by the Co-Chairs, is firmly based on the three fundamental principles of non-use of force or threat of force, equal rights and self-determination of peoples and territorial integrity.

Once again, Armenia reiterates its firm commitment to the early and peaceful settlement of the conflict, based on the compromise proposals of the Co-Chairs. Armenia insists that commitment to peace requires strong and firmly articulated political will and equally resolute efforts to establish and sustain an environment conducive to peace. In his latest speech at the Munich Security Conference on 17 February 2018, the President of Armenia reaffirmed that "the Nagorno-Karabakh issue must be resolved as soon as possible, and by peaceful means".[1] Hate speech and hate propaganda, war mongering and obstruction of human contacts serve the opposite purpose, which is the risk of renewed hostilities with catastrophic consequences for the entire region.

In conclusion, I reiterate Armenia's deep appreciation of your continued support for the efforts of the Co-Chairs to seek a negotiated peaceful settlement of the Nagorno-Karabakh conflict.

I kindly request that the present letter and its annex be circulated as a document of the General Assembly, under agenda item 34, and of the Security Council.

(*Signed*) Zohrab **Mnatsakanyan**
Ambassador
Permanent Representative

[1] www.president.am/en/press-release/item/2018/02/17/President-Serzh-Sargsyan-attended-Munich-security-conference.

Annex to the letter dated 20 February 2018 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

Speech by President Serzh Sargsyan to the January session of the Parliamentary Assembly of the Council of Europe (Strasbourg, France, 24 January 2018)

Honorable President of the Parliamentary Assembly,
Honorable Secretary General,
Distinguished Members of the Assembly,

At the outset, I would like to warmly greet and congratulate you, distinguished Mr. Nicoletti, on assuming the high office of the President of the Parliamentary Assembly of the Council of Europe. You have indeed embarked upon this mission in rather challenging times. I strongly believe that your extensive experience and strong personal qualities are exactly what is needed for the future success and reputation of our organization. I also wish to commend Mrs. Kyriakides for her excellent performance in the capacity of President of this Assembly.

The last time I had the honor to speak from this high podium was in 2013, when Armenia held the Chairmanship in the Committee of Ministers of the Council of Europe. That mission served as a key landmark in our integration within the larger family of the Council of Europe. I trust we met the expectations while carrying out that mission.

Tomorrow is January 25 — the day on which we acceded to the Council of Europe exactly 17 years ago. At the time of joining this Europe-wide structure, we were fully aware of the path that lay ahead of us. We were also fully aware that building and strengthening democracy would not be easy without the support and direct involvement of the Council of Europe structures. Indeed, through political will and joint constructive engagement, we managed to overcome numerous obstacles and to achieve profound reforms.

As I stand before this Assembly today, I can proudly state that we have honored the main commitments assumed towards the Council of Europe in terms of Armenia's democratization. This is not merely our assertion. Our achievements in consolidating the democratic institutions have been recognized by the monitoring reports of the Council of Europe's bodies. We firmly continue the efforts of joining the Europe-wide legal frameworks: the number of conventions Armenia has already signed up is close to 70. For us, this process is not simply about honoring the commitments that we undertook. In doing so, we are primarily implementing our own credo and our own convictions. We shall continue in that same vein. Moreover, our country's progress on the path of reforms will get a new momentum and accelerate in April, when the amendments to the constitution will enter into full force, and when we will embark upon the implementation of activities envisaged by our Comprehensive and Enhanced Partnership Agreement with the European Union.

Any democracy is a living organism. Throughout our quarter-century-long efforts in State-building we aimed at nourishing this very organism. We have been fully conscious that democracy constantly requires attention, review, and advancement; it cannot afford a standstill, and must keep up with the rapidly changing times in order to remain viable. Along the lines of this logic, we undertook constitutional reform in Armenia, which received wide-ranging support of the Council of Europe.

The process will be completed in April with a clear vision of strengthening the three pillars of the Council of Europe — the rule of law, protection of human rights, and democracy. We chose a transition to a parliamentary form of government as the most suitable path for strengthening democracy in our country. I announced the launch of the process back in 2013 when I spoke from this high podium before this Assembly.

Ladies and Gentlemen,

Since our accession to the Council of Europe, we have heard both encouragement and criticism from our partners. I have no doubt that both have helped Armenia's progress.

Throughout this time, we have closely cooperated with the Venice Commission, based on the expert opinion of which we refined the constitutional reforms package. In an atmosphere of mutual trust, this efficient engagement continues up to date — through a process of implementing numerous new legislative solutions under the reformed Constitution. It was best manifested in the deliberations on Armenia's new Electoral Code, which resulted in the adoption of a transparent and inclusive process with participation of various political actors across the board. We opted for something unprecedented — stipulating by law the demand to published the signed lists of voters after the election. As you are aware, this practice is not common, especially in light of personal data protection concerns. However, we decided and we did it, in order to secure greater public trust in the elections.

The new Electoral Code clearly proved its viability in the 2017 April parliamentary election, which was observed by a large number of invited observation missions, including a delegation of this Assembly.

It is important to underline that the new Electoral Code also resulted in allocation of a certain number of seats in the National Assembly exclusively for the representatives of the national minorities. It was yet another step towards achieving governance that is more inclusive.

We are currently reforming our judicial, criminal, and criminal procedure codes, as well as the Referendum Act and the Constitutional Court Act. We are well aware that only effective, independent, and free from corruption risks judiciary can safeguard the rule of law.

In this context, we appreciate the important role of the European Court of Human Rights, the jurisprudence of which plays an essential role in enhancing the quality of justice in our country. We have implemented a number of legislative reforms and improved the legal practices on the basis of the ECHR jurisprudence. These are important steps for consolidation of the human rights protection in our country. These efforts have not gone unnoticed: the Republic of Armenia is a leader among the Council of Europe member States in terms of the proper and persistent implementation of the judgments of the European Court.

We are convinced that proper protection of human rights and consolidation of democratic values cannot be effective without a relentless fight against corruption. It must be prioritized at all social and political layers. Armenia has contemplated a qualitatively new toolkit in this respect: in mid-2017, the National Assembly unanimously adopted a number of Acts that create a first-ever national entity for the prevention of corruption in line with all international standards. The entity will get effectively functioning in 2018, and the Parliament will elect its members. The anti-corruption package also resulted in the adoption of the Act on whistleblowing and protection of whistleblowers. We also criminalized illegal enrichement. We are determined and committed to continue our systematic and persistent efforts towards elimination of the evil of corruption day in and day out.

Distinguished Members of the Assembly,

Since accession to the Council of Europe, our country has born profound responsibility for honoring our obligations and respecting our collective commitment to the fundamental values of this organization.

However, in recent years, we have witnessed an unfortunate and unprecedented crisis of values in this organization: through their irresponsible conduct, to say the least, some MPs have acted contrary to the core mission of the Council of Europe and inflicted heavy damage upon the organization's reputation. The greater family of the Council of Europe thus faced perhaps the most serious challenge since its foundation, as cases of bribing Assembly members and resulting dishonest voting were exposed.

Since 2014, a number of politically biased and egregious reports and resolutions triggered a sharp change in the attitudes of Armenian society towards this Assembly. However, these revelations justify the hopes that such corrupt practices are short-lived. Eventually, they will rise to the surface, stamping out resolutions thus adopted, and discrediting the individuals and powers that back them. I am convinced that the report of the independent inquiry body looking into the exposed instances of corruption will eradicate those defective practices and help to strengthen the member States' trust in our organization.

Ladies and Gentlemen,

Upon accession to the Council of Europe, Armenia also undertook a commitment to pursue efforts to settle the Nagorno Karabakh conflict by peaceful means only and to use its influence over Artsakh to foster the solution to the conflict. Although the Council of Europe is not a conflict resolution platform, I believe it is appropriate to briefly touch upon the issue in light of our aforementioned commitment.

Exactly 30 years ago, on the surface, everything could possibly seem calm and peaceful in Artsakh. However, the surface image was deceiving. We had never put up with Stalin's decision to annex Artsakh to Azerbaijan.

Throughout all those years, the people of Artsakh were extremely anxious because the Baku authorities did their best to drive Armenians out of their historic cradle. According to the 1926 census, Armenians accounted for over 90 percent of Artsakh's population; as a consequence of the Baku policies, the percentage had declined to just 77 percent of the population by 1988. I myself was among the Artsakhtsies that were worried about these developments.

In February 1988, the Artsakhtsies rose against the Baku policies and tried to exercise the Artsakh people's right to self-determination in a peaceful way. I was at the forefront of the uprising. The Parliament of Artsakh took the decision, and people went out for peaceful rallies. Azerbaijan's reaction was not simply a negative one. Azerbaijan's reaction was the massacre of Armenians living in the town of Sumgait hundreds of kilometers away from Artsakh. It was an act of revenge against Armenians for the decision adopted by Artsakh.

One side of the scale had a parliament's decision and a peaceful demonstration, and the other had violence and massacres. Everyone who needs to deal with the Nagorno-Karabakh conflict resolution must clearly comprehend this fact.

Hence, all attempts to put the parties of the conflict on the equal footing are inherently futile. Such an equation is nothing but false impartiality. It is an equality sign between the perpetrators of the Sumgait massacre and its victims. On February 27, we shall commemorate the victims of the Sumgait massacre.

The massacres went on to become the state policy, as Azerbaijan unleashed a war aimed at the complete annihilation of the Armenian population of Artsakh. Given the deficit of justice and the threat of extermination, Artsakh had no other choice but to resort to self-defense. Yet again, I was at the forefront, and I have never had the slightest regret about the choice I made then.

The time is ripe for the resolution of this conflict. It requires strict respect for the established ceasefire regime and honoring all the agreements reached in the past. Settlement must be peaceful and overcome the deficit of justice. No matter where I find myself, I will always be at the forefront for this matter as well. The parties shall assume joint responsibility for the peaceful resolution of the Nagorno-Karabakh conflict and find a compromise solution, a middle ground settlement.

The negotiation process under the auspices of the OSCE Minsk Group Co-chairs is the only internationally agreed format for the resolution of this conflict. The international community, including Council of Europe, has reiterated its support to this format on numerous occasions. The commitment undertaken by Armenia and Azerbaijan requires a joint and concerted effort of all the parties to the conflict.

However, Azerbaijan is obviously not ready for it. The aggression that Azerbaijan unleashed against Artsakh in April 2016 was characterized by egregious violations of the international humanitarian law against the peaceful civilians and prisoners of war. It struck a heavy blow upon the negotiation process by reawakening dreadful memories of the Sumgait massacres.

Unfortunately, this Assembly has at times allowed developments that turned a blind eye to the aforementioned facts, watering the mill of those who are not interested in peaceful settlement of the conflict. I call upon all the members of this Assembly to apprehend the potential negative consequences of a careless or biased language for the fragile stability in Artsakh.

Facing a permanent threat of war, Artsakh continues to build democracy and to promote respect for human rights. In all of these initiatives, Armenia will continue to provide full support to Artsakh. Armenia will tenaciously defend the rights and interests of Artsakh and help to strengthen Artsakh's security. As the Secretary General of the Council of Europe has rightly noted, there must be no grey zones in Europe when it comes to the protection of human rights. I hope that in the not-too-distant future, this organization, too, will stand by the side of Artsakh with all of its expertise. A person living in Artsakh deserves it; the people of Artsakh have long earned this right.

The protection of human rights is a priority for the Artsakh government: as to the fundamental documents of the Council of Europe, Artsakh unilaterally subscribed to the European Convention of Human Rights back in 2015 and undertook to implement it fully. Commendably, Nagorno Karabakh has achieved all of this on its own, without tangible support from any international organization. It proves once again that in Artsakh respect for and protection of human rights are not mere words, but a conscious and determined choice.

Artsakh cannot stay out of the international processes simply because Azerbaijan is opposed to it. The authorities of Azerbaijan commit flagrant violations of human rights and fundamental freedoms — not least the criminal prosecution of opposition figures and even their abduction from the territory of another country.

This brings me back to the work of the European Court of Human Rights: the ECHR has examined applications by Azerbaijani citizens that are also related to the resolution of the Nagorno-Karabakh conflict. I understand that the ECHR takes up these issues with the purpose of precluding "grey areas" and safeguarding human rights throughout Europe. Nevertheless, political language and assessments in the

decisions of the ECHR can have direct negative impact on the negotiation process. Therefore, it is necessary for the ECHR to exercise extreme caution in its assessments and avoid any political language.

Distinguished Members of the Assembly,

Our national economies are more vulnerable than ever in the face of present-day global challenges. As a result, welfare and prosperity are at the center of public attention. The challenging realities in our region in their turn undermine the economic growth potential. Therefore, we aspire to make the best use of all available resources, including the opportunities availed to us by integration structures.

Five years ago, in 2013, shortly after Armenia's decision to accede to the Eurasian Economic Union, many people, including a number of them in this Assembly, expressed skepticism towards Armenia. However, Armenia proved her ability to combine engagement in different integration structures and even to serve as a role model of cooperation. On this day two months ago, on November 24, on the margins of the Eastern Partnership Summit in Brussels, Armenia and the European Union concluded a Comprehensive and Enhanced Partnership Agreement, which contemplates a completely new quality of engagement. Armenia's fully-fledged integration in the Eurasian Economic Union was not an obstacle for that matter in any way or shape.

Today, we actively continue to extend our international engagement in various other directions. The Organisation Internationale de la Francophonie is a case in point; that is for us a unique platform of engagement in terms of both language and culture, as well as for promotion of human rights. Armenia will have the honor to host the 17th Summit of la Francophonie in October 2018 in Yerevan.

The motto of the summit will be "Vivre ensemble/Living Together," and a pact with the same name will be adopted for strengthening human rights and intercultural and interreligious dialogue. For us, it is not simply a motto: the Armenian nation knows the price of hate speech, intolerance, and discrimination, and we fight against such practices on all possible platforms.

Ladies and Gentlemen,

Next year, we will celebrate the 70th anniversary of the founding of the Council of Europe. It is a crucial landmark for our greater family, which has been fighting for the protection of human rights and fundamental freedoms in Europe for almost seven decades now. An organization created by only 10 States, it now unites 47 States of the European Family with a population of 820 million. I consider this to be an enormous achievement that should be cherished; no effort should be spared in building a positive agenda and further enhancing the role and significance of this organization.

The mission of the Council of Europe, however, extends beyond this. The organization has a great role to play in political as well as civilizational terms. I believe that the organization needs a further stimulus in redefining its role and significance in Europe-wide political architecture. Contemporary mechanisms and arrangements are truly wanted by our societies in order to increase this Organization's effectiveness. For quite some time now, we are closely following the commendable process of reforms initiated in the Council of Europe by the Secretary General.

Armenia supports the idea of convening a 4th Summit of the Heads of State and Government of the Council of Europe. I believe it will be a good opportunity for identifying the most pressing problems of our continent and revisiting the vision of a stronger and more inclusive Europe. I am confident that the founders of the Council of Europe should have been very proud about the fact of uniting 47 countries of

Europe under one roof. This is an achievement the importance of which should not be underestimated; this unity needs continuous support from all of us.

Armenia stands ready for the persistent journey towards a more mature form of engagement and cooperation. Armenia stands ready to contribute by all means at its disposal to the success of the Council of Europe — our shared home of democracy and the rule of law.

Thank you.